

## REMARKS

Claims 1-20 are pending in the application. Claims 1-20 stand rejected. The applicant respectfully requests consideration of the following remarks and allowance of the claims.

### **35 U.S.C. § 102(e) Rejections**

Claims 1, 2, 8, 9, and 15-17 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,968,130 (Pan). The applicant respectfully traverses the rejection.

Claim 1 recites in part (emphasis added):

In the event of a fault, the [point of presence] POP nodes and the switch nodes are configured to implement *ring protection for the communications between the POP nodes and the switch nodes* and to implement *mesh protection for the communications between the switch nodes*.

To support a rejection under 35 U.S.C. 102(e), the prior art must teach or suggest all the claim limitations. Claim 1 requires, in part, fault protection based on the type of nodes involved in a communication. For communication *between POP nodes and switch nodes*, ring protection is required. For communication *between switch nodes*, mesh protection is required. Pan does not require fault protection based on the type of nodes involved in communications as required by claim 1.

Pan discloses that in the event of a fiber or node failure, the in-band signals are OMS-SPRING protected, and the out-band signals can be protected in a linear fashion ( Pan, col. 8, lines 25-31). In-band signals substantially correspond to a first wavelength range within the predefined low-attenuation region designated for optical amplification (Pan, col. 3, lines 40-42). Out-band signals substantially correspond to a second wavelength range within the predefined low-attenuation region and exclusive of the first wavelength range. (Pan, col. 3, lines 42-45). In Pan, fault protection is based on the frequency of the

communication, not the types of the nodes involved in the communication, as required by claim 1.

Because Pan does not teach or suggest all of the limitations of claim 1, rejection under 35 U.S.C. § 102(e) is improper, and the claim should be allowed. Independent claims 8 and 16 contain limitations similar to those of claim 1 and are therefore allowable over the art of record for at least the same reasons as claim 1. The dependent claims depend from otherwise allowable independent claims. The applicant therefore refrains from a discussion of the dependent claims for the sake of brevity.

### **35 U.S.C. § 103(a) Rejections**

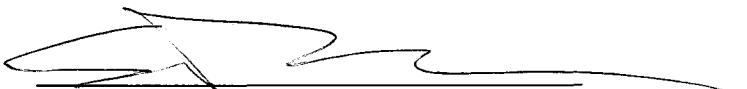
Claims 3-7, 10-14, and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pan in view of FIGs. 1 and 2 of the specification. Arguments supporting patentability of claims 3-7, 10-14, and 18-20 are moot in light of the above discussion. The applicant therefore refrains from a discussion of the rejections for the sake of brevity.

## **CONCLUSION**

The claims in their present form are allowable over the art of record. Applicant therefore solicits their allowance.

The Applicant believes no fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 210765.

Respectfully submitted,



### **SIGNATURE OF PRACTITIONER**

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